

Translation

PATENT COOPERATION TREATY



PCT

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

10/524365

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0052.FT04347	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/002365	International filing date ( <i>day/month/year</i> ) 28 juillet 2003 (28.07.2003)	Priority date ( <i>day/month/year</i> ) 12 août 2002 (12.08.2002)
International Patent Classification (IPC) or national classification and IPC H04N 7/15		
Applicant FRANCE TELECOM et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.  <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of <u>4</u> sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input checked="" type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 12 février 2004 (12.02.2004)	Date of completion of this report 26 October 2004 (26.10.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/002365

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
pages \_\_\_\_\_ 1-15 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_ 1-10 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 07 May 2004 (07.05.2004)
- ☒ the drawings:  
pages \_\_\_\_\_ 1/5-5/5 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/ 03/02365

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

**2. Citations and explanations**

Reference is made to the following document:

D1 WO 99/63756 A

Document D1 describes the broadcasting of files (in particular multimedia files such as films; see page 3, line 17) during a video conference (see page 3, line 15) between a transmitting terminal (box 1 in figure 2) and one or more receiving terminals (box 2 and "user" in the right-hand section of figure 2) using the audio and video channels opened for establishing communication and which are individually defined with respect to each user (page 4, lines 7 to 13). The communication parameters for each user are respected, this being guaranteed by the use of CODEC in the output matrix MV2 (see page 10, lines 6 to 13).

The subject matter of claim 1 thus differs from D1 in that whilst the video conference call is being set up, a dialogue is established between the transmitting terminal and the receiving terminal(s) for negotiating the communication parameters.

The present invention can therefore be considered to address the problem of optimising the communication parameters so as to optimise the sound and image received by each terminal, taking into account the specific features of the terminal.

The solution proposed in claim 1 of the present application is not considered inventive (PCT Article 33(3)) for the following reasons:

although D1 does not describe the manner in which communication is established, a person skilled in the art is aware of the fact that during establishment of a connection (for example in the field of modems) the receiver and transmitter negotiate communication parameters so as to exploit fully transmitter, receiver and network capabilities. In the field of video conferencing, such negotiations relate to (pixel) resolution, video compression, etc..

Dependent claims 2 to 10 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for inventive step.